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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/632,848

08/04/2003

Hiroshi Tomita

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5071

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05/24/2005

FOLEY AND LARDNER  
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WASHINGTON, DC 20007

EXAMINER

ENGLISH, PETER C

ART UNIT

PAPER NUMBER

3616

DATE MAILED: 05/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/632,848

Applicant(s)

TOMITA, HIROSHI

Examiner

Peter C. English

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>20030804</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

39c2, mentioned in paragraph 57, at line 5.

2. The drawings are objected to because:

In Figs. 2 and 3, the view label (e.g., "FIG. 2") should be oriented in the same direction as the view itself.

In Fig. 4(a), the Japanese text adjacent reference number 39 should be removed.

In Fig. 4(a), "14a" should be "41a". See paragraph 49, line 8.

In Fig. 4(a), reference numbers "40" and "43" are not located adjacent to ends of their respective lead lines.

3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Specification*

4. The specification is objected to because:

In paragraph 26, at lines 8 and 9, "side" should be deleted.

In paragraph 26, at line 9, "as" should be "with respect".

In paragraph 33, at line 2, "other side of the piston portion 24a of the rod 24b" should be "side of the rod 24b opposite the piston portion 24a".

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In paragraph 34, at line 3, "112" should be "12".

In paragraph 37, at line 3, "21" should be "9".

In paragraph 44, at line 6, "screws" should be "a screw". See line 8.

In paragraph 48, at line 4, "lap anchor 5" should be "latch 39". See Fig. 3.

In paragraph 60, at line 2, "portions" should be "portion", and "are" should be "is".

Appropriate correction is required.

### ***Claim Objections***

5. Claims 1-9 are objected to because:

In claim 1, at line 5, "a" should be inserted before both "lap" and "buckle".

In claim 5, at line 1, "An" should be "A".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

6. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 8, at line 1, "the tongue" lacks proper antecedent basis. The examiner suggests: in claim 8, at line 1, change "5" to "7".

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Bell et al. (GB 2328244). Bell et al. discloses a seat belt buckle that is part of a pretensioner (see page 1, lines 4-6) and is associated with a retractor (see page 1, lines 10-12). The buckle comprises: a frame 1

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having a channel 4 for receiving a tongue (see page 6, line 5); a latch 5 for releasably engaging the tongue; a leaf spring 6 for biasing the latch 5 into an engaged position with the tongue; and a sliding plate 10 with a biasing leaf spring 12 that prevents disengagement of the latch 5 during operation of the pretensioner. See page 7, line 1 to page 8, line 1.

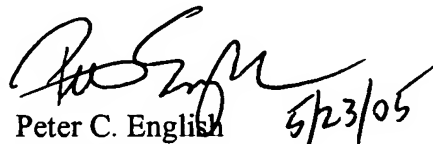
### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Beisswenger, Downie et al. and Mori teach buckles with elastic members for preventing disengagement of a latch. Mikulec et al. teaches a buckle with a weight assembly for preventing disengagement of a latch.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter C. English whose telephone number is 571-272-6671. The examiner can normally be reached on Monday through Thursday (7:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Peter C. English  
Primary Examiner  
Art Unit 3616  
5/23/05

pe  
23 May 2005